

Nos. 16-2025; 16-2085; 16-2086

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

In re: AUTOMOTIVE PARTS ANTITRUST)
LITIGATION (No. 16-2025).)
)
In re: WIRE HARNESSES (No. 16-2085).)
)
In re: OCCUPANT SAFETY SYSTEMS (No. 16-)
2086).)
)
END-PAYOR PLAINTIFFS,)
)
Plaintiffs-Appellees,)
)
OLEN YORK; AMY YORK; NANCY YORK,)
)
Objectors-Appellants,)
)
v.)
)
NIPPON SEIKI COMPANY, LTD, et al.,)
)
Defendants-Appellees.)
)

FILED
Nov 18, 2016
DEBORAH S. HUNT, Clerk

O R D E R

Before: GUY and MOORE, Circuit Judges; HOOD, District Judge.*

In this multidistrict antitrust litigation, the York Objectors appeal the June 20, 2016 order approving a class action settlement and the June 20, 2016 order awarding attorney fees to the End-Payor plaintiffs. They filed three notices of appeal. A notice of appeal was filed in the Master Docket, No. 12-md-2311, and is pending as No. 16-2025. Another notice of appeal was

* The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

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filed in the End-Payor Automotive Wire Harness Systems docket, No. 12-cv-0103, and is pending as No. 16-2085. A third notice of appeal was filed in the End-Payor Occupant Safety Systems docket, No. 12-cv-0603, and is pending as No. 16-2086.

The June 20 orders apply to nineteen individual cases, including No. 12-cv-0103 and No. 12-cv-0603. The June 20 orders were entered in all nineteen cases, but they were not entered on the Master Docket. The notice of appeal filed on the Master Docket purports to appeal the June 20 orders entered in each of the nineteen cases, including No. 12-cv-0103 and No. 12-cv-0603. The York Objectors did not file a notice of appeal in seventeen of the cases to which the June 20 orders apply.

An appeal is perfected by filing a timely notice of appeal in the district court in accordance with Federal Rules of Appellate Procedure 3 and 4. In a civil action, the filing of a timely notice of appeal is a jurisdictional requirement. *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The consolidation of cases for pretrial purposes by the MDL Panel under 28 U.S.C. § 1407 is to promote efficient judicial administration and does not merge the actions into a single case. *See Gelboim v. Bank of Am. Corp.*, 135 S. Ct. 897, 905 (2015). The nineteen cases that have been settled have not been consolidated for all purposes, but retain their individual identity. The notice of appeal filed in the Master Docket is ineffective to appeal the orders entered in the individual cases. The York Objectors have perfected an appeal only in No. 12-cv-0103 and No. 12-cv-0603.

In response to a show cause, the York Objectors argue that it would be unreasonable to require them to file a notice of appeal in each of the nineteen cases and to pay approximately \$10,000 in filing fees. But the York Objectors have not presented any evidence that the payment of the required filing fees for an additional seventeen appeals would be an undue burden. And

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they did not seek leave to proceed on appeal *in forma pauperis*. Requiring appellants to either pay the required filing fee or move for pauper status does not violate due process.

Case No. 16-2025 is **DISMISSED** for lack of jurisdiction. Case No. 16-2085 is limited to an appeal from the June 20 orders entered in No. 12-cv-0103. Case No. 16-2086 is limited to an appeal from the June 20 orders entered in No. 12-cv-0603.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

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Filed: November 18, 2016

Mr. George Willard Cochran Jr.
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Streetsboro, OH 44241

Re: Case No. 16-2085/16-2086, *End-Payor Plaintiffs, et al v. Nippon Seiki Company, Ltd., et al*
Originating Case No. : 2:12-cv-00103 : 2:12-md-02311

Dear Mr. Cochran,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Robin Baker
Case Manager
Direct Dial No. 513-564-7027

cc: Mr. Peter M. Falkenstein
Mr. James Powell Feeney
Ms. Michelle Karen Fischer
Mr. Brian K. Grube
Mr. William H. Horton
Mr. Howard B. Iwrey
Ms. Meredith Jones Kingsley
Mr. Peter Kontio
Ms. Tiffany Danielle Lipscomb-Jackson
Mr. John Michael Majoras
Mr. Andrew S. Marovitz
Mr. Terrell W. Oxford
Mr. William Reiss

Mr. Michael Adam Rubin
Ms. Hollis L. Salzman
Mr. William Parker Sanders
Mr. Marc M. Seltzer
Ms. Marguerite Sullivan
Ms. Joanne G. Swanson
Mr. David J. Weaver
Mr. Steven N. Williams

Enclosure